

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Brad Ronald Stevens,

Petitioner,

v.

Joan Fabian,

Defendant.

ORDER

Civil No. 08-1011 ADM/AJB

Brad Ronald Stevens, *pro se*.

This matter is before the undersigned United States District Judge for consideration of Petitioner Brad Ronald Stevens's ("Petitioner") Objection [Docket No. 5] to Magistrate Judge Arthur J. Boylan's April 16, 2008, Report and Recommendation [Docket No. 4]. Judge Boylan recommends that Petitioner's 28 U.S.C. § 2254 Petition for Writ of Habeas Corpus ("Petition") [Docket No. 1] be summarily dismissed for lack of jurisdiction. In his Objection, Petitioner asserts new facts and arguments not included in his original Petition and supporting Memorandum [Docket No. 2]. This Court remands this matter to Judge Boylan for consideration of the new facts and arguments raised by Petitioner.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT JUDGE

Dated: May 6, 2008.